

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

INTEPLAST GROUP, LTD.,)
vs.)
Plaintiff,) Case No. 4:11CV01949 CEJ
vs.)
PRIMEX PLASTICS CORP.,)
Defendant.)

**PLAINTIFF INTEPLAST GROUP, LTD.'S REPLY TO DEFENDANT
PRIMEX PLASTICS CORP.'S COUNTERCLAIMS**

Plaintiff Inteplast Group, LTD. ("Inteplast"), for its Reply to Defendant Primex Plastics Corp.'s ("Primex") Counterclaims, states as follows:

1. Answering Paragraph 1 of the Counterclaims, Inteplast admits that the Court has subject matter jurisdiction. Inteplast denies all allegations of Paragraph 1 not specifically admitted.

First Counterclaim:
Declaratory Judgment—Invalidity of U.S. Patent No. 6,759,114

2. Answering Paragraph 2 of the Counterclaim, Inteplast incorporates its answer to Paragraph 1, above.

3. Answering Paragraph 3 of the Counterclaim, Inteplast states that its Complaint speaks for itself.

4. Answering Paragraph 4 of the Counterclaim, Inteplast denies the allegations contained therein.

5. Answering Paragraph 5 of the Counterclaim, Inteplast admits that a controversy exists between it and Primex. Inteplast denies all allegations of Paragraph 5 not specifically admitted.

**Second Counterclaim:
Declaratory Judgment—Non-infringement of U.S. Patent No. 6,759,114**

6. Answering Paragraph 6 of the Counterclaim, Inteplast incorporates its answers to Paragraphs 1 through 5, above.

7. Answering Paragraph 7 of the Counterclaim, Inteplast states that its Complaint speaks for itself.

8. Answering Paragraph 8 of the Counterclaim, Inteplast denies the allegations contained therein.

9. Answering Paragraph 9 of the Counterclaim, Inteplast admits that a controversy exists between it and Primex. Inteplast denies all allegations of Paragraph 9 not specifically admitted.

AFFIRMATIVE DEFENSES

In further reply to Primex's Counterclaims, Inteplast denies all allegations of the Counterclaim not specifically admitted herein, and also asserts the following defenses, without assuming the burden of proof when such burden would otherwise be on Primex. Inteplast expressly reserves the right to amend its Reply and Additional and Affirmative Defenses, and/or to assert any further defenses, as additional information is developed or is otherwise discovered.

A. The Counterclaims fail to state a claim or claims upon which relief can be granted.

B. Primex's Affirmative Defenses fails to adequately plead Inequitable Conduct, as noted in Inteplast's Motion to Dismiss Primex's Sixth Affirmative Defense (Dkt. 17).

WHEREFORE, Inteplast requests that this Court deny Primex its requested relief, enter judgment dismissing Primex's Counterclaims with prejudice, and grant Inteplast such other and further relief as this Court deems just and proper.

Respectfully submitted,

ARMSTRONG TEASDALE LLP

Date: January 23, 2012

By: /s/ B. Scott Eidson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 23, 2012, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

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